

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

United States of America	)	
	)	C/A No.: 4:08-cv-01253-TLW
vs.	)	
	)	
Antonio Thomas Goode.	)	
_____	)	

**ORDER**

On August 25, 2014, Defendant filed a motion, (Doc. #95), asserting that the Court should reconsider its August 2, 2013 Order denying the Defendant's Motion to Vacate Pursuant to § 2255. The Defendant has provided no legally sufficient basis exists for reconsideration. In the § 2255 motion, the Defendant challenged his career offender classification. However, the Presentence Investigation Report reflects that Probation properly applied the career offender enhancement. (Doc. #58). Defendant has three predicate convictions (Assault With a Deadly Weapon With Intent to Kill Inflicting Serious Injury (1991), Possession With Intent to Distribute Crack Cocaine (1999), Trafficking in Cocaine (2003)) all of which qualify as career offender predicates. Furthermore, while the 2003 Trafficking in Cocaine conviction is a North Carolina conviction, the Defendant received a sentence in excess of one year and thus is not entitled to relief under United States v. Simmons, 649 F.3d 237 (4th Cir. 2011). Because Defendant fails to show any intervening change in controlling law, account for any new evidence, or show clear error of law or manifest injustice, Plaintiff's Motion for Reconsideration is **DENIED**.

**IT IS SO ORDERED.**

August 27, 2014  
Columbia, South Carolina

s/Terry L. Wooten  
Chief United States District Judge